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MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR, RADIATION AND WASTE SAFETY

(b) SAFETY OF TRANSPORT OF RADIOACTIVE MATERIALS

Draft resolution recommended by the Committee of the Whole

The General Conference,

(a) Mindful of the fact that it is a statutory function of the Agency to establish standards of safety for protection of health and minimization of danger to life and property and provide for the application of those standards, inter alia at the request of States,

(b) Recalling that

(i) in 1959 the United Nations Economic and Social Council (ECOSOC), in resolution 724(XXVIII), requested the Secretary-General of the United Nations to inform the Agency of the desire of ECOSOC that the Agency be entrusted with "the drafting of recommendations on the transport of radioactive substances",

(ii) in response to ECOSOC's expressed desire the Agency established Regulations for the Safe Transport of Radioactive Material (hereinafter referred to as "the Transport Regulations") in 1961,

(iii) comprehensively revised editions of the Transport Regulations were issued in 1964, 1967, 1973 and 1985, and

(iv) in September 1996 the Board of Governors approved the latest revised edition of the Regulations for the Safe Transport of Radioactive Material, authorized the Director General "to promulgate the revised Regulations as part of the Agency's safety standards" and recommended to all international organizations that engaged or expected to engage in the transport of radioactive material "that they adopt the revised Regulations or use them, as far as practicable, as the basis for the formulation of regulations and in connected regulatory activities",[1]

[1] See GOV/OR.901, paragraphs 91 and 92.

c) Recalling maritime, river and air navigation rights and freedoms, as provided for in international law,

d) Taking into account the fact that, in the Resolution Relating to Transboundary Movement of Radioactive Waste and Spent Fuel which it adopted by consensus, the Diplomatic Conference convened to adopt a Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, recognizing the Agency's role in establishing international safety standards for the safe transport of radioactive material, inter alia urged all States parties to the Joint Convention to take the Transport Regulations fully into consideration "in the formulation and implementation of their national laws and regulations" and invited the Agency "in consultation, and where appropriate in co[l]laboration, with the competent organs of the United Nations ..., to keep under review the existing rules and regulations with respect to the safety of the transboundary movement of spent fuel and radioactive waste",

e) Recalling resolution GC(41)/RES/12, in which it requested the Secretariat "to prepare, for consideration at the June 1998 session of the Board of Governors, a report on legally binding and non-binding international instruments and regulations concerning the safe transport of radioactive materials and their implementation" and noting that, as stated in document GC(42)/11, the Secretariat prepared a report on legally binding and non-binding instruments and regulations concerning the safe transport of radioactive materials and their implementation, that the report was considered by the Board of Governors at its June 1998 session and that copies of the report are available to General Conference participants on request,

f) Recognizing that compliance with regulations which take account of the Agency's Transport Regulations is providing a high level of safety during the transport of radioactive materials,

g) Noting, however, the concern that the transboundary movement of radioactive material should meet applicable international standards, and

h) Noting also that there is broad implementation of the Agency's Transport Regulations by Member States through binding national regulations,

1. Requests the Director General to maintain close liaison, pursuant to the Board recommendation referred to in preambular paragraph (b)(iv), with international organizations concerned with the safety of transport of radioactive materials;

2. Invites States shipping radioactive materials to provide, as appropriate, assurances to potentially affected States upon their request that their national regulations take into account the Agency's Transport Regulations and to provide them with relevant information relating to shipments of radioactive materials. The information provided should in no case be contradictory to the measures of physical security and safety;

3. Requests the Secretariat, in performing the statutory functions of the Agency, to keep the Transport Regulations under review in consultation, and where appropriate in collaboration, with the competent organs of the United Nations and with the specialized organizations concerned, including the International Maritime Organization (IMO) and the United Nations Environment Programme (UNEP), as envisaged in the Resolution Relating to Transboundary Movement of Radioactive Waste and Spent Fuel adopted by the Diplomatic Conference convened to adopt a Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management;

4. Further requests the Secretariat to provide for application of the Transport Regulations by - inter alia - providing a service, within existing resources, for carrying out, at the request of any State, an appraisal of the implementation of the Transport Regulations by that State;

5. Further requests the Director General to inform all States about the adoption of this resolution; and

6. Requests the Director General to report to the General Conference at its forty-third (1999) regular session on the implementation of this resolution, inter alia indicating the global status of implementation of the Transport Regulations.